

**THE HONOURABLE SRI JUSTICE
V.ESWARAIAH**

W.P. No. 19593 of 2007

Date:14-09-2007

Between:

Vemuri Grace
Petitioner

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AND

The Tahasildar, Kaikalur

.. Respondent

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondent in not passing any orders for cancellation of conveyance deed, dated 08.05.2001 by considering the representation, dated 03.03.2007 of the petitioner, as illegal and arbitrary.

It is the case of the petitioner that admittedly the land of an extent of 203 square yards in Sy.No.149/2 which is a Kalva Poramboke situated at Kaikalur village belongs to the government and the said land has been regularized in favour of V.Pushpalatha by the District Level Committee by order, dated 07.04.2001 on payment of Rs.7,613/- being the purchase money of the said land in favour of the encroacher.

It is stated that the Mandal Revenue Officer, Kaikalur executed a conveyance deed in favour of V.Pushpalatha. It is the case of the petitioner that in fact, the petitioner is the encroacher in occupation of the said land but not the said V.Pushpalatha and therefore, the encroachment in favour of the petitioner would have been regularized by collecting the money as per the Government Order. But, without considering the claim of the petitioner, the said land has been regularized conveying the title in favour of the said V.Pushpalatha.

The said V.Pushpalatha is not made as party to this writ petition. It is stated that the petitioner made a representation before the Mandal Revenue Officer to cancel the conveyance deed.

I am of the opinion that the District Level Committee constituted under G.O.Ms.No.508, Revenue (Assn.I) Department, dated

20.10.1995 is the competent authority to regularize the government land in favour of the encroachers. Therefore, if there is any mistake or misrepresentation or fraud, it is for the petitioner to make a representation before the District Level Committee only but not the Madnal Revenue Officer who executed the conveyance deed on behalf of the government. But, the Mandal Revenue Officer is not the authority to regularize the encroachments. However, the disputes of questions of fact cannot be decided in the writ petition as to whether the petitioner is encroacher in occupation of the land or not. Therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed with liberty to the petitioner to make a representation before the District Level Committee. No costs.

V.ESWARAIAH, J.

Date:14.09.2007
ccm